

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ABELINO B. RAMIREZ,

Plaintiff,

-against-

AMINA 50, INC. (d/b/a PESCATORE  
RESTAURANT), CHARLES DEVIGNE, and  
EVOO GROUP, LLC,

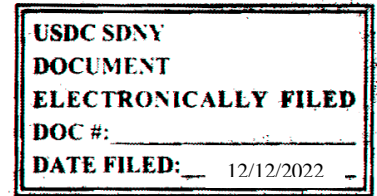
Defendants.

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**VALERIE FIGUEREDO, United States Magistrate Judge:**

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before this Court for approval. See Cheeks v. Freeport Pancake House, Inc., 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). On September 16, 2022, the parties submitted a joint letter motion for approval of their proposed settlement agreement (the “Agreement”). See ECF No. 57-1. The parties also submitted a joint letter detailing why they believe the Agreement is fair, reasonable, and adequate. See ECF No. 57. On November 15, 2022, the Court ordered the parties to submit a revised settlement agreement amending the release provision. ECF No. 61. On November 30, 2022, the parties submitted a revised settlement agreement with an amended release provision. ECF No. 62-63.

This Court has reviewed the parties’ submissions in order to determine whether the proposed agreement represents a reasonable compromise of the claims asserted in this action,



15-CV-09448 (LAK) (VF)

**ORDER OF DISMISSAL**

and, in light of the totality of the relevant circumstances, including the representations made in the parties' letter and the terms of the proposed settlement agreement, it is hereby **ORDERED** that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiff's claims in this action and to compensate Plaintiff's counsel for their legal fees, and the agreement is therefore approved.
2. In accordance with the parties' request, this Court will retain jurisdiction over this matter for the purpose of enforcing the settlement agreement, if necessary.
3. As a result of the Court's approval of the parties' proposed settlement, this action is hereby discontinued with prejudice and without costs, provided, however, that, within 30 days of the date of this Order, if any aspect of the written documentation of the settlement is not completed, then Plaintiff may apply by letter for the restoration of the action to the active calendar of the Court.
4. The Clerk of Court is directed to close this case on the Docket of the Court.

**SO ORDERED.**

DATED: New York, New York  
December 12, 2022

  
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VALERIE FIGUEREDO  
United States Magistrate Judge

Copies to:

All counsel (via ECF)